



Washington State

Interim Report of Survey of Eight States' Adult Protection System

**National Association of States United for Aging and Disabilities
(NASUAD)**

Maria Greene, Senior Consultant

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A. Purpose of the Study

The State of Washington (WA) recognizes opportunities to improve the state's adult protection system and seeks through continuous quality improvement practices to learn the best administrative practices of other States in administering adult protection systems. The State of Washington contracted with the National Association of States United for Aging and Disabilities (NASUAD) to research the practices of WA and other states in the administration of adult protection systems and to recommend changes that would improve Washington's systems, processes, and outcomes in dealing with abuse, neglect, and/or exploitation of older adults and persons with disabilities.

NASUAD, founded in 1964, represents the nation's 56 officially designated state and territorial agencies on aging. The Association's principal mission is to support visionary state leadership, advance state systems innovation, and articulate a national policy on vulnerable adults' rights and home and community based services for older adults and individuals with disabilities and their families. NASUAD has more than forty years of experience in consultation, training, technical assistance and professional development support on the full range of policy, program and management issues of concern to States. Its staff and consultants collectively have many years of direct experience in administering state programs for adults including protection systems, aging, and disability resource centers, supportive services and public benefit programs such as those supported with State and Medicaid funds.

B. Selection of States to Survey

The State of Washington and NASUAD selected eight states to be surveyed based on characteristics that are similar to WA in population size, government structure of health and human services, innovations in the states effort to balance the long term care system, and any recent major changes and improvements to the states adult protection system. The determining factors were:

- States' population estimate were similar to WA's based on the U.S. Census 2009 update;
- Auspice of the Adult Protective Services program was in the State Unit on Aging (SUA);
- SUA managed state funded Home and Community Based Services (HCBS);
- SUA managed of one or more Medicaid waivers for HCBS for older adults and/or individuals with disabilities;
- States showed evidence of efforts to balance their long term care (LTC) system; and
- States had initiated improvements to the state's adult protection system

In addition to WA, we selected seven states, based on three or more criteria. These were:

- Missouri
- Massachusetts
- Indiana
- New Jersey
- North Carolina
- Georgia
- Wisconsin

All but one of these states agreed to participate in the study.¹ The state of New Mexico graciously agreed to participate in the study in place of Wisconsin.

B. Survey Development

The administrators of the WA state Department of Social and Health Services (DSHS), members of the WA state Vulnerable Adults Study Group and NASUAD consultant used an iterative process to develop, review, and revise the Adult Protection System survey. We determined that Survey Monkey, an online instrumentality, to be the most economical and reliable survey method for this project.

In addition to the advice from the state of WA administrators and advocates, and officials of the Government Accountability Office (GAO), we asked current and former APS administrators and staff to test the draft survey questions. Their expertise and years of experience in the field work of adult protective services was invaluable in assuring the validity of the questions and accuracy of the verbiage used to describe common practices and terminology.

The survey contained sixty-six items, formatted as yes or no, multiple choice and open ended. Some of the items required data to be gathered and entered into the survey. Respondents estimated that completion of the survey required two to four hours to gather information and data and enter data.

We solicited only one survey submission for each of the targeted states. This required multiple state program administrators to contribute in answering the questions. For example, in three states, the same staff investigate allegations in adult abuse, neglect and exploitation in in-home as well as in licensed facilities while the other five states separate the staff who investigate alleged violations in-home settings from those who respond to allegations in licensed facilities. Under

¹ Wisconsin declined, citing program staff vacancies precipitated by recent budgetary constraints.

the latter scenario, states often segment the administration of their adult protection system.

The survey identified state laws, policies, and administrative practices. Follow-up telephone interviews will explore these to discover more in-depth information that may be beneficial in the management of WA State's adult protection system and services to victims of abuse, neglect, and exploitation.

The Government Accountability Office (GAO), under direction from the U.S. Senate Special Committee on Aging, is investigating the administration and organization of adult protective services for older adults. GAO officials have been meeting and interviewing identified state leaders and APS workforces since the fall of 2009 to gather detailed information of APS programs for older adults. From these on-site visits, GAO researchers have developed an electronic survey regarding APS programs for elders. Prior to the dissemination of their survey and during the development of the Washington State survey, GAO officials discussed the types of questions that their survey would entail. To the extent possible similar questions were asked in the NASUAD/WA survey.

The GAO sent its survey to all fifty states during the same week that NASUAD and WA State began their survey of the eight states. The GAO predicts that it will deliver its report to the U.S. Senate Special Committee on Aging during the winter of 2011. During 2011, Washington State and the seven other states participating in the NASUAD/WA survey will have comparable data to the GAO survey data for all APS programs for elders in the United States.

D. Summary of Survey Results

The survey questions were grouped into categories.

1. The Big Picture (Characteristics of programs) – questions 1-8
2. Staff – questions 9-22
3. Casework – questions 23-34
4. Data and Data systems – questions 35-45
5. Relationships – questions 46-51
6. Mandated Reporters – questions 52-56
7. Outreach and Client Relations – questions 57-61
8. Observations – questions 62-66

Characteristics of the programs

All eight states have some or all of the responsibility for the adult protection system in the state's designated State Unit on Aging (SUA). The vulnerable adult population includes adults eighteen years or older regardless of disability who live in their homes or licensed facilities.

- Only WA administers the licensing/certification system for long term care facilities.
- Three of the seven states responding to the question responded that the SUA administers services to adults with developmental disabilities.
- Of the eight states surveyed, only IN, NM and WA have a Fatality Review process.
- Three states, IN, MA, and NC use the same staff to investigate adult abuse, neglect and exploitation in in-home and licensed facilities.
- All states except IN and NJ provide time limited case management/protective service. Two states, GA and MA, provide case management/protective service for victims that is not time limited.
- Legal summaries are in the appendix.

Staff

- Six states have separate, dedicated staff for intake and referral and investigations.
- Two states, GA and WA, have staff with responsibilities for investigations and case management in the in-home adult protective services staff. Staff has responsibilities for both investigations and case management.
 - GA's worker to client ratio is 1 to 24; total field staff 155. (Note that GA's program has court appointed responsibility to act as guardians of persons who have been found incompetent by a court of law and who have no other person to act as guardian.)
 - WA's worker to client ratio is 1 to 152; total field staff 81.
- IN's adult protection staff are responsible for both in-home and facility investigations and case management. The worker to client ratio is 1 to 380; total field staff is 42.
- Staff qualifications include the requirement for an undergraduate degree and one, two, or more years of work experience in social services and/or protective services according to the five states who responded to the question.
- Five of six states responding provide more than thirty hours of classroom training for new staff.
- Four of five states responding provide more than ten hours of "field" training for new staff.
- The top staff training topics include:
 - Investigation skills
 - Interviewing skills
 - Client assessment
 - Documentation
 - Understanding disabilities
 - Applicable laws pertaining to adult abuse, neglect and exploitation
- Only NJ has a certification process for their investigators.

- The top investigative techniques considered most important to be included in training are:
 - Investigation skills
 - Assessment
 - Evidence gathering
 - Working with aggressive people
 - Documentation
 - Critical thinking/analytical skills
- Of states responding, starting salaries range from \$28,000 to \$40,000.
- Six states responded that equipment most frequently provided to staff includes desktop computers and printers, and digital cameras.

Standards

All states prioritize complaints by the severity of the alleged abuse, neglect, and exploitation.

- States use different standards of promptness for investigating.
- At the point of intake/referral, all states categorized the reports as either
 - Physical abuse
 - Financial exploitation
 - Neglect
 - Self neglect
- Other characteristics recognized at the point of intake/referral included:
 - Mental abuse
 - Sexual abuse
 - Exploitation of person
 - Abandonment
 - Verbal abuse
 - Caregiver neglect
 - Emotional abuse

- All states report that based on predetermined criteria, some reports are never investigated.
- Seven states reported the percentage of reports not investigated as
 - Two states – less than 10%
 - One state – between 11 and 20%
 - One state – between 21-30%
 - Two states – between 31-40%
 - One state more than 50% for disabled adults and 25% for elders
- Minimum level of documentation required for substantiation were
 - Three states – one source
 - Two states – two sources
 - Three states – three or more sources
- Only one state requires no burden of proof for substantiation of abuse, neglect, and exploitation.
- Most states require the criteria of “preponderance” for burden of proof.
- All states investigate allegations of self-neglect. The percentage of cases that are self-neglect range from 30-80%.
- Seven states use some type of standardized assessment or tool to determine a client’s capacity.
- All states provide relocation to alternate housing and coordination and/or referrals to other community services.
- Seven states provide coordination of legal protective services and medical appointments.

Data Systems

Six states report having some type of electronic data system for the adult protection system.

- The state of NC indicated that their adult protection system electronic data system links with other human services electronic data for the purpose of gathering demographic data only.
- None of the states reported that their electronic data system links with data for licensed/certified long term care facilities.

Substantiation rates

- States reported “substantiation rates” that range from 12% to 60% (in-home) and 10% to 59% (in licensed facilities)
- Such wide variation of these rates leads us to recommend that in telephone interviews we explore states’ definition of “cases” and “substantiation” and seek to understand how substantiation rates are calculated.

Registration of offenders

Five states—GA, IN, MO, NM and WA—maintain a registry of persons who have a substantiated finding of abusing, neglecting, and/or exploiting a vulnerable adult.

- In four states, departments of health and human services maintain the registries; in one, a state contractor.
- Three of the five states have no limits on the time that an offender may stay on the list.
- MO’s state law allows for the director of the department of social services to determine a length of time that a person may remain on the registry based on the nature and circumstances of the adult abuse, neglect, and/or exploitation. Once a year that offender whose name is on the registry may request that the director reconsider the continuation of the offender’s name on the registry.
- NM’s administrative code 8116 created a caregiver/employee abuse registry. Anyone placed on the registry must remain on the registry for three years before requesting reconsideration for removal from the abuse registry.
(Interview, T. L., August 2, 2010)

Recidivism²

Four states reported collecting recidivism data; three states provided the following data on *in-home* recidivism:

GA “On-going” client recidivism rate

2007 – 5.63%

2008 – 8.28 %

2009 – 10.4%

GA Intake/investigation/refusal of services recidivism rate

2007 – 7.1%

2008 – 7.3%

2009 – 8.42%

WA

2007 – 17.6%

2008 – 18.8%

2009 – 18.7%

NC

2007 – 11%

2008 – 11%

2009 – 12%

² In protective services, “recidivism” customarily refers to victims, not offenders. Thus, a person who is victimized more than once is said to be a “recidivist.”

Protection systems relationships with other entities or systems

Relationship	Number of States Reporting
Informal agreements with law enforcement agencies	7
Procedures to request that local law enforcement go with protective services staff to investigate some allegations that are deemed threatening.	6
Procedures for local law enforcement to request that protective services staff go with law enforcement on calls	3
Procedures for referral of allegations to law enforcement before protective services investigates	5
Procedures for referral of allegations to law enforcement after protective services investigations	6
Protocols for referral of cases to prosecutors	5
Protocols for referral of cases to the state bureau of investigation.	2
Include the Medicaid Fraud office on most cases that involve a Medicaid recipient	1
Formal or informal referral process between the adult protection system and the Long Term Care Ombudsman (LTCO) Program.	6

- Almost all states report having procedures for referrals back and forth between the adult protective services program and the residential home regulatory agencies.
- Only MA reported having a separate process for investigating complaints involving an adult victim with developmental disabilities or mental illness.
- More often than not Adult Protective Services programs report their findings back to the LTCO regarding the LTCO's referral of abuse, neglect, and/or

exploitation. However fewer LTCO programs report their findings back to the Adult Protective Services program staff that made a referral to the LTCO.

Mandated Reporters

Who is a mandated reporter of suspected adult abuse, neglect, and/or exploitation?

- Six states have laws that identify mandated reporters.
 - Most common are licensed medical professionals, hospital employees, law enforcement, coroners, licensed social workers, therapists and similar professionals, facility or home base caregivers, licensed long term care facilities employees, and financial (banking) institution staff.
 - State laws may also require others to report:
 - Clergy: 2
 - Ombudsmen: 2
 - Guardians: 2
- NC and NM laws mandate that all citizens are to report suspected adult abuse, neglect and/or exploitation.

Penalties for not reporting

Six states have laws that penalize mandated reporters for not reporting suspected abuse, neglect, and/or exploitation.

- The most common penalty is a monetary fine.
- Three states may also refer to the licensing/professional boards for suspension or revocation of professional licenses.

Processes for informing mandated reporters

- States make mandated reporters aware of their responsibility by publishing the state protection system information and contact information on all appropriate websites, telephone directories, etc. and by conducting yearly

community education sessions. States reach out to consumers, families, citizens, and providers in the same way.

- Six states have regulations or policies that address retaliation against one who makes a report of abuse, neglect, and/or exploitation.
- Several states may impose a civil fine against the person/entity retaliating against the reporter.

Services to victims

States provide services to victims of abuse, neglect, and/or exploitation who refuse assistance as seen in the table below.

Service	Number of states reporting
Staff provide referral information for intervention services and the protection services' telephone number	7
Staff may petition for guardianship or for another form of court supervision	6
Staff make additional attempts to meet with the victim and offer them protection services and other human services program interventions	5
Staff may obtain a protection order without victim consent	5
Staff evaluate the victim for "decisional capacity" and then make decisions based on that information	4

Open cases

Cases are considered "open" for various lengths of time in states. The timeframes vary for each state. The shortest period of time was twenty-five (25) days and the longest period of time was one hundred twenty (120) days.

Observations

States were asked to share general information and observations.

- Top challenges for APS and regulatory investigative staff included:
 - Not enough funding
 - High caseloads and need for more staff
 - Need for more in-home services, mental health services, crisis intervention services, alternative legal and guardianship services, and primary care for consumers.
 - Lack of comprehensive data and outdated IT systems
 - Not enough training for staff
 - Lack of collaboration with other agencies
- Work of which the respondents were most proud
 - Passionate, dedicated, creative staff and supervisors
 - Data collection and data system (GA)
 - Stable veteran staff with low turnover (GA)
 - Response time (WA)
 - Improvement to e-system/database (WA)
 - Local law enforcement have implemented CIT program (MO)
 - Good relationship with sister agencies and collaborations with public/private entities (NM)
 - Successful prosecutions due to Prosecuting Attorney's interest (MO)
 - Emergency response
 - Sexual abuse consultation team (MA)
 - Quality of contractors for services (NM)
 - Staff training (NJ and NC)
 - All cases reviewed by prosecutor's staff (IN)
 - Volume of calls handled without system failure (IN)
 - Risk Assessments (MA)
 - Triage Cases (MA)

How states have managed their budgets

- Web Training instead of face to face trainings – costs savings
- WebEx meetings/communications – costs savings
- Streamlined documentation system (WA residential investigations)
- Reorganized (MO and MA)
- Reduced staffing levels (MO and MA)
- Reduced intake/referral call center hours (MO)
- Reduced client state funded services
- Travel restrictions and elimination of travel to conferences
- Home based and teleworking staff – decrease billable office space (GA)
- Staff vacancies and furloughs
- Decrease funding to providers for services
- Staff survey to determine impact on APS program while experiencing budget reductions (NC)
- Seeking new funding
- Revisions to regulations and procedures regarding eligibility criteria for home services and adult day care (NM)

Next Steps

The NASUAD consultant, in discussion with Washington state liaisons, will determine which states to interview by telephone for the purpose of clarifying data and gathering more detailed information.

The topics to be discussed during the one hour telephone interview with individual states are as follows:

- Standards of promptness for investigations
- Predetermined criteria
- Client assessment tools
- State's explanation of "cases", "substantiation" and how the substantiation rate is calculated
- Correlation between recidivism rate and case management

- Penalties for a mandated reporter not reporting
- State registries and;
- Unique items identified by states in the survey.

Following the telephone interviews, we will analyze all data and discuss with Washington State representatives before making final recommendations for consideration in implementing improvements for the adult protection system.

Appendix

Interim Report of Survey of Eight States' Laws Pertaining to Adult Protection Systems

State Adult Protection Statutes	Description of Law	Mandatory Reporters	Penalty for Failure to Report	Comments
Georgia	APS	Any physician, osteopath, intern,	Knowing and willful failure	Training required to be developed - §30-

<p>§§30-5-1 et seq.</p> <p>§§31-8-50 through 63</p> <p>§§31-8-81</p>	<p>Prohibits intentional abuse, neglect, or exploitation of any disabled adult.</p> <p>APS jurisdiction excludes skilled nursing facilities.</p> <p>VICTIM RIGHTS</p> <p>Provided to all victims, not specific to older or disabled adults</p>	<p>resident, other hospital or medical personnel, dentist, psychologist, chiropractor, podiatrist, pharmacist, physical therapist, occupational therapist, licensed professional counselor, nursing personnel, social work personnel, day-care personnel, coroner, medical examiner, employee of a public or private agency engaged in professional health related services to elder persons or disabled adults, or law enforcement personnel employee of a financial institution staff of a hospital, social agency, financial institution, or similar facility</p> <p>§ 17-17-1. Declaration Of Policy</p> <p>§ 17-17-2.</p>	<p>to report by mandatory reporters is a misdemeanor</p>	<p>5-10 The Department of Human Services, the Georgia Peace Officer Standards and Training Council, the Prosecuting Attorneys' Council of the State of Georgia, and the Institute of Continuing Judicial Education shall develop programs for the education and training of social services, criminal justice, and judicial professionals concerning the abuse and exploitation of persons who are 65 years of age or older.</p>
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		<p>Short Title</p> <p>§ 17-17-3.</p> <p>Definitions</p> <p>§ 17-17-4.</p> <p>Designation Of Family Member To Act In Place Of Physically Disabled Victim</p> <p>§ 17-17-5.</p> <p>Notification To Victim Of Accused's Arrest, Release From Custody, And Any Judicial Proceedings At Which Such Release Is Considered</p> <p>§ 17-17-5.1.</p> <p>[Notification to Victim of Release, Discharge, or Escape, or Subsequent Readmission of Accused]</p> <p>§ 17-17-6.</p> <p>Notification To Victim Of Accused's Pretrial Release And Of Victims' Rights And The Availability Of Victims' Compensation And Services</p> <p>§ 17-17-7.</p> <p>Notification To Victim Of Accused's Arrest And Any Proceedings Where Accused's Release Is Considered; Victim's Right To Express Opinion As To Pending Proceedings And To File Written</p>		
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		<p>Complaint With Prosecuting Attorney In Event Of Release</p> <p>§ 17-17-8. Notification By Prosecuting Attorney Of Legal Procedures And Of Victim's Rights In Relation Thereto</p> <p>§ 17-17-8.1. [Right of Victim to Refuse Interview or Contact With Accused, or Accused's Attorney or Agent and to Set Conditions for Such Interview]</p> <p>§ 17-17-9. Separate Victims' Waiting Areas</p> <p>§ 17-17-9.1. [Communications Considered Prosecuting Attorney Work Production]</p> <p>§ 17-17-10. Requirement By Court That Defense Counsel Not Disclose Victim Information To Accused</p> <p>§ 17-17-11. Right Of Victim To Express Opinion On Disposition Of Accused's Case</p> <p>§ 17-17-12. Notification To Victim Of Accused's Motion For New Trial Or Appeal, Release On Bail</p>		
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		<p>Or Recognizance, Appellate Proceedings, Outcome Of Appeal, Collateral Attacks, And Other Litigation; Victim's Rights Retained At New Trial Or On Appeal</p> <p>§ 17-17-12.1. [Victim's Right to Not Receive Mail From Inmate Convicted of Committing Criminal Offense Against Such Victim]</p> <p>§ 17-17-13. Notification To Victim Of Impending Parole Or Clemency Proceedings</p> <p>§ 17-17-14. Victim Required To Provide Current Address And Phone Number To Notifying Parties</p> <p>§ 17-17-15. Failure To Provide Notice Not Rendering Responsible Person Liable Or Comprising Basis For Error; Chapter Not Conferring Standing; Existing Rights Not Affected; Waiver Of Rights By Victim</p> <p>§ 17-17-16. Temporary Restraining And Protective</p>		
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		<p>custody of perpetrator § 35-40-5-3. Right to confer with prosecuting attorney's office § 35-40-5-4. Consideration of victim's safety § 35-40-5-5. Right to be heard at sentencing or release § 35-40-5-6. Presentence reports § 35-40-5-7. Order of restitution § 35-40-5-8. Right to information about criminal case or perpetrator § 35-40-5-9. Right to be informed of victim's rights § 35-40-5-11. Defense interview with child victims of sex crimes</p>		
<p>Massachusetts</p> <p>APS</p> <p>Part 1, Title II, 19C :1 – 13</p>	<p>APS</p> <p>Abuse for elderly,</p> <p>Reportable condition for disabled adult</p>	<p>Elderly Person</p> <p>Any physician, physician assistant, medical intern, dentist, nurse, family counselor, probation officer, social worker, policeman, firefighter, emergency</p>	<p>Penalty for failure to report for mandated reporters for elderly or disabled adult is up to \$1,000 fine</p>	

		<p> medical technician, licensed psychologist, coroner, registered physical therapist, registered occupational therapist, osteopath, podiatrist , director of a council on aging, outreach worker employed by a council on aging, executive director of a licensed home health agency or executive director of a homemaker service agency or manager of an assisted living residence who has reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse, shall immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to </p>		
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<p>Part III, Title IV, 258B:3</p>	<p>VICTIMS RIGHTS</p> <p>Provided to all victims, not specific to older or disabled adults</p>	<p>the department or its designated agency.</p> <p>Disabled Person</p> <p>Mandated reporter , any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, dentist, psychologist, nurse, chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker, probation officer, social worker, foster parent, police officer or person employed by a state agency within the executive office of health and human services as defined by section sixteen of chapter six A, or employed by a</p>		
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		<p>private agency providing services to disabled persons who, in his professional capacity shall have reasonable cause to believe that a disabled person is suffering from a reportable condition.</p> <p>To provide victims a meaningful role in the criminal justice system, victims and witnesses of crime, or in the event the victim is deceased, the family members of the victim, shall be afforded the following basic and fundamental rights, to the greatest extent possible and subject to appropriation and to available resources, with priority for services to be provided to victims of crimes against the person and crimes where physical injury to a person results:</p> <p>(a) for victims, to</p>		
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		<p>be informed by the prosecutor about the victim's rights in the criminal process, including but not limited to the rights provided under this chapter. At the beginning of the criminal justice process, the prosecutor shall provide an explanation to the victim of how a case progresses through the criminal justice system, what the victim's role is in the process, what the system may expect from the victim, why the system requires this, and, if the victim requests, the prosecutor shall periodically apprise the victim of significant developments in the case;</p> <p>(b) for victims and family members, to be present at all court proceedings related to the offense committed against the victim, unless the victim or family member is to testify and the court determines that the person's testimony would</p>		
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		<p>be materially affected by hearing other testimony at trial and orders the person to be excluded from the courtroom during certain other testimony;</p> <p>(c) for victims and witnesses, to be notified by the prosecutor, in a timely manner, when a court proceeding to which they have been summoned will not go on as scheduled, provided that such changes are known in advance. In order to notify victims and witnesses, a form shall be provided to them by the prosecutor for the purpose of maintaining a current telephone number and address. The victim or witness shall thereafter maintain with the prosecutor a current telephone number and address;</p> <p>(d) for victims and witnesses, to be provided with information by the prosecutor as to the level of protection available and to</p>		
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		<p>receive protection from the local law enforcement agencies from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;</p> <p>(e) for victims, to be informed by the prosecutor of financial assistance and other social services available to victims, including information relative to applying for such assistance or services;</p> <p>(f) for victims and witnesses, to a prompt disposition of the case in which they are involved as a victim or a witness;</p> <p>(g) for victims, to confer with the prosecutor before the commencement of the trial, before any hearing on motions by the defense to obtain psychiatric or other confidential records, and before the filing of a nolle prosequi or other act by the commonwealth</p>		
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		<p>terminating the prosecution or before the submission of the commonwealth's proposed sentence recommendation to the court. The prosecutor shall inform the court of the victim's position, if known, regarding the prosecutor's sentence recommendation. The right of the victim to confer with the prosecutor does not include the authority to direct the prosecution of the case;</p> <p>(h) for victims and witnesses, to be informed of the right to request confidentiality in the criminal justice system. Upon the court's approval of such request, no law enforcement agency, prosecutor, defense counsel, or parole, probation or corrections official may disclose or state in open court, except among themselves, the residential address, telephone number, or place of employment or school of the</p>		
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		<p>victim, a victim's family member, or a witness, except as otherwise ordered by the court. The court may enter such other orders or conditions to maintain limited disclosure of the information as it deems appropriate to protect the privacy and safety of victims, victims' family members and witnesses;</p> <p>(i) for victims, family members and witnesses, to be provided, subject to appropriation and to available resources, by the prosecutor with a secure waiting area or room which is separate from the waiting area of the defendant or the defendant's family, friends, attorneys or witnesses, during court proceedings. The court shall, subject to appropriation and to available resources, designate a waiting area at each courthouse and develop any reasonable safeguards to minimize contact between victims</p>		
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		<p>and the defendant, or the defendant's family, friends, attorneys or witnesses;</p> <p>(j) for victims and witnesses, to be informed by the court and the prosecutor of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;</p> <p>(k) for victims and witnesses, to be provided, where appropriate, with employer and creditor intercession services by the prosecutor to seek employer cooperation in minimizing employees' loss of pay and other benefits resulting from their participation in the criminal justice process, and to seek consideration from creditors if the victim is unable, temporarily, to continue payments;</p> <p>(l) for victims or witnesses who have received a subpoena to testify, to be free from discharge</p>		
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		<p>or penalty or threat of discharge or penalty by his employer by reason of his attendance as a witness at a criminal proceeding. A victim or witness who notifies his employer of his subpoena to appear as a witness prior to his attendance, shall not on account of his absence from employment by reason of such witness service be subject to discharge or penalty by his employer. Any employer or agent of said employer who discharges or disciplines or continues to threaten to discharge or discipline a victim or witness because that victim or witness is subpoenaed to attend court for the purpose of giving testimony may be subject to the sanctions stated in section fourteen A of chapter two hundred and sixty-eight;</p> <p>(m) for victims and witnesses, to be informed of the right to submit to or</p>		
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		<p>decline an interview by defense counsel or anyone acting on the defendant's behalf, except when responding to lawful process, and, if the victim or witness decides to submit to an interview, the right to impose reasonable conditions on the conduct of the interview;</p> <p>(n) for victims, to confer with the probation officer prior to the filing of the full presentence report. If the victim is not available or declines to confer, the probation officer shall record that information in the report. If the probation officer is not able to confer with the victim or the victim declines to confer, the probation officer shall note in the full presentence report the reason why the probation officer did not make contact with the victim;</p> <p>(o) for victims, to request that restitution be an element of the</p>		
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		<p>final disposition of a case and to obtain assistance from the prosecutor in the documentation of the victim's losses. If restitution is ordered as part of a case disposition, the victim has the right to receive from the probation department a copy of the schedule of restitution payments and the name and telephone number of the probation officer or other official who is responsible for supervising the defendant's payments. If the offender seeks to modify the restitution order, the offender's supervising probation officer shall provide notice to the victim and the victim shall have the right to be heard at any hearing relative to the proposed modification.</p> <p>(p) for victims, to be heard through an oral and written victim impact statement at sentencing or the disposition of the case against the defendant</p>		
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		<p>about the effects of the crime on the victim and as to a recommended sentence, pursuant to section four B of chapter two hundred and seventy-nine, and to be heard at any other time deemed appropriate by the court. The victim also has a right to submit the victim impact statement to the parole board for inclusion in its records regarding the perpetrator of the crime;</p> <p>(q) for victims, to be informed by the prosecutor of the final disposition of the case, including, where applicable, an explanation of the type of sentence imposed by the court and a copy of the court order setting forth the conditions of probation or other supervised or unsupervised release within thirty days of establishing the conditions, with the name and telephone number of the probation officer, if any, assigned</p>		
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		<p>to the defendant;</p> <p>(r) for victims, to have any personal property that was stolen or taken for evidentiary purposes, except contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, returned by the court, the prosecutor or law enforcement agencies within ten days of its taking or recovery if it is not needed for law enforcement or prosecution purposes or as expeditiously as possible when said property is no longer needed for law enforcement or prosecution purposes;</p> <p>(s) for victims, to be informed by the parole board of information regarding the defendant's parole eligibility and status in the criminal justice system;</p> <p>(t) for victims, to be informed in advance by the appropriate custodial authority</p>		
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		<p>whenever the defendant receives a temporary, provisional or final release from custody, whenever a defendant is moved from a secure facility to a less-secure facility, and whenever the defendant escapes from custody. The victim shall be informed by the prosecutor about notification rights and the certification process required to access the criminal offender record information files. Persons requesting such notice must provide the appropriate authority with current information as to their address and telephone number;</p> <p>(u) for victims, to be informed that the victim may have a right to pursue a civil action for damages relating to the crime, regardless of whether the court has ordered the defendant to make restitution to the victim.</p>		
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		(v) for one family member of a victim of a homicide, which the matter before the court is related, to possess in the courtroom a photograph, that is not of itself of an inflammatory nature, of the deceased victim that is not larger than eight by ten inches; provided, however, that at no time may the photograph be exposed or in any way displayed in the presence of any member of the jury, or the jury pool from which a jury is to be selected in a particular matter; provided, further, that nothing in this section shall preclude the admission into evidence of a photograph that the court deems relevant and material		
Missouri APS RSM Title XL §660.300.	APS Abuse, neglect or physical harm	When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services,	Any person required to report or cause a report to be made to the department who fails to do so within a reasonable time after the	

<p>Title XXXVIII. CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS</p> <p>Chapter 595. Victims of Crimes, Compensation and Services</p> <p>§ 595.209. Rights of victims and witnesses- written notification, requirements.</p>	<p>VICTIM'S RIGHTS</p> <p>Provided to all victims, not specific to older or disabled adults</p>	<p>mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's</p>	<p>act of abuse or neglect is guilty of a class A misdemeanor</p>	
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		<p>assistant; podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in- home services, he or she shall immediately report or cause a report to be made to the department.</p> <p>1. The following rights shall automatically be afforded to victims of dangerous felonies, such as victims of murder in the first degree, victims of voluntary manslaughter, and victims of an attempt to commit one of the preceding crimes, and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:</p> <p>(1) For victims, the right to be present at all criminal justice proceedings at</p>		
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		<p>which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult, even if the victim is called to testify or may be called to testify as a witness in the case;</p> <p>(2) For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection;</p> <p>(3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days;</p> <p>(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552, RSMo, or its</p>		
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		<p>successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;</p> <p>(5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:</p> <p>(a) The status of any case concerning a crime against the victim, including juvenile offenses;</p> <p>(b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to</p>		
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		<p>existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;</p> <p>(c) Any release of such person on bond or for any other reason;</p> <p>(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such</p>		
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		<p>person;</p> <p>(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape, or a statement by counsel or a representative designated by the victim on behalf of the victim in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings, the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape in lieu of a personal appearance, and the right to have, upon written</p>		
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		<p>request of the victim, a partition set up in the probation or parole hearing room in such a way that the victim is shielded from the view of the probationer or parolee, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, RSMo, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape, or a statement by counsel or a representative designated by the victim in lieu of personal appearance;</p> <p>(7) For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention facility, county jail, correctional facility operated</p>		
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		<p>by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, post conviction or commitment pursuant to the provisions of chapter 552, RSMo, of the following:</p> <p>(a) The projected date of such person's release from confinement;</p> <p>(b) Any release of such person on bond;</p> <p>(c) Any release of such person on furlough, work release, trial release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release;</p> <p>(d) Any scheduled parole or release hearings, including hearings under section 217.362,</p>		
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		<p>RSMo, regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice;</p> <p>(e) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;</p> <p>(f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court presiding over releases pursuant to the provisions of chapter 552, RSMo, or by a circuit court presiding over releases under section 217.362, RSMo, to release such person or any decision by the governor to</p>		
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		<p>commute the sentence of such person or pardon such person;</p> <p>(g) Notification within thirty days of the death of such person;</p> <p>(8) For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on as scheduled;</p> <p>(9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;</p> <p>(10) For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the</p>		
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		<p>case and of the availability of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges;</p> <p>(11) For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law;</p> <p>(12) For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;</p> <p>(13) When a victim's property is no longer needed for</p>		
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		<p>evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned;</p> <p>(14) An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require any witness, victim, or member of a victim's immediate family</p>		
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		<p>to use vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participating in the preparation of a criminal proceeding;</p> <p>(15) For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;</p> <p>(16) For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense. The attorney general shall provide victims, upon their written request, case</p>		
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		<p>status information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness;</p> <p>(17) For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration.</p>		
<p>New Jersey</p> <p>APS</p> <p>§ 52:27D-406 through 426</p> <p>"Adult Protective Services Act."</p>	<p>APS</p> <p>Abuse, neglect, or exploitation</p>	<p>For adults in the community:</p> <p>A health care professional, law enforcement officer, firefighter, paramedic or emergency medical</p>		

<p>§ 52:4B-3.2.</p> <p>Victims of Crime Compensation Agency</p>	<p>VICTIMS RIGHTS</p> <p>Provided to all victims, not specific to older or disabled adults</p>	<p>technician who has reasonable cause to believe that a vulnerable adult is the subject of abuse, neglect or exploitation shall report the information to the county adult protective services provider.</p> <p>For adults in institutions:</p> <p>Any caretaker, social worker, physician, registered or licensed practical nurse or other professional, who, as a result of information obtained in the course of his employment, has reasonable cause to suspect or believe that an institutionalized elderly person is being or has been abused or exploited, shall report such information in a timely manner to the ombudsman or to the person designated by</p>		
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		<p>him to receive such report.</p> <p>The purpose of the Victims of Crime Compensation Review Board shall be:</p> <p>(1) to hear appeals of decisions of the Victims of Crime Compensation Agency involving issues of victim compensation;</p> <p>(2) to consult with the executive director in developing, establishing and supervising all practices and procedures of the agency;</p> <p>(3) to review individual and supplemental awards to a victim or a victim's family in excess of \$10,000 in the aggregate, and awards of attorney fees for legal representation to victims;</p> <p>(4) to review, on at least a bi-monthly basis, information detailing the</p>		
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		<p>aggregate claims received and paid by the agency, and the operations of the agency; and</p> <p>(5) to review and, if appropriate, approve any rules and regulations, standards, and maximum rates and service limitations for reimbursement proposed by the agency.</p>		
<p>New Mexico</p> <p>APS</p> <p>27-7-1 through 31</p>	<p>APS</p> <p>Abuse, neglect or exploitation</p>	<p>Any person, including financial institutions, having reasonable cause to believe that an incapacitated adult is being abused, neglected or exploited shall immediately report that information to the department.</p>	<p>Any person failing or refusing to report, or obstructing or impeding any investigation, is guilty of a misdemeanor.</p> <p>The department may assess a civil penalty not to exceed ten thousand dollars (\$10,000) per violation against a person that fails to report or obstructs or impedes any investigation required pursuant to the statute.</p>	

<p>§ 31-26-4. Victim's rights.</p>	<p>VICTIM'S RIGHTS</p> <p>Provided to all victims, not specific to older or disabled adults</p>	<p>A victim shall have the right to:</p> <p>A. be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process;</p> <p>B. timely disposition of the case;</p> <p>C. be reasonably protected from the accused throughout the criminal justice process;</p> <p>D. notification of court proceedings;</p> <p>E. attend all public court proceedings the accused has the right to attend;</p> <p>F. confer with the prosecution;</p> <p>G. make a statement to the court at</p>		
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		<p>sentencing and at any post-sentencing hearings for the accused;</p> <p>H. restitution from the person convicted of the criminal offense that caused the victim's loss or injury;</p> <p>I. information about the conviction, sentencing, imprisonment, escape or release of the accused;</p> <p>J. have the prosecuting attorney notify the victim's employer, if requested by the victim, of the necessity of the victim's cooperation and testimony in a court proceeding that may necessitate the absence of the victim from work for good cause;</p> <p>K. promptly receive any property belonging to the victim that is being held for evidentiary purposes by a law enforcement agency or the prosecuting attorney, unless there are compelling</p>		
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		<p>evidentiary reasons for retention of the victim's property; and</p> <p>L. be informed by the court at a sentencing proceeding that the offender is eligible to earn meritorious deductions from the offender's sentence and the amount of meritorious deductions that may be earned by the offender</p>		
<p>North Carolina</p> <p>(§§ 108A-99 - 108A-111)</p> <p>Chapter 15A. Criminal Procedure Act (§§ 15A-1 - 15A-2012)</p> <p>Subchapter VIII-A. RIGHTS OF CRIME VICTIMS AND WITNESSES (§§ 15A-824 - 15A-900)</p> <p>Article 46. Crime Victims' Rights Act (§§</p>	<p>APS</p> <p>Abuse, neglect or exploitation</p> <p>VICTIM'S RIGHTS</p> <p>Provided to all victims, not specific to older or disabled adults</p>	<p>Any person having reasonable cause to believe that a disabled adult is in need of protective services shall report such information to the director</p> <p>§ 15A-830. Definitions</p> <p>§ 15A-831. Responsibilities of law enforcement agency</p> <p>§ 15A-831.1. Polygraph examinations of victims of sexual</p>	No penalty	<p>Upon finding evidence indicating abuse, neglect or exploitation of a disabled adult the director (county social services director) shall notify the district attorney.</p>

15A-830 - 15A-849)		assaults § 15A-832. Responsibilities of the district attorney's office § 15A-832.1. Responsibilities of judicial officials issuing arrest warrants § 15A-833. Evidence of victim impact § 15A-834. Restitution § 15A-835. Post trial responsibilities § 15A-836. Responsibilities of agency with custody of defendant § 15A-837. Responsibilities of Division of Community Corrections § 15A-838. Notice of commuted sentence or pardon § 15A-839. No money damages § 15A-840. No ground for relief § 15A-841. Incompetent victim's rights exercised § 15A-842 through 15A-849. Reserved for future codification purposes		
Washington RCW 74.34* -	APS Abandonment, abuse, financial	Mandated reporter is an employee of the department; law enforcement	Mandated reporters shall immediately report to the department;	

RCW 11.88* - RCW 71A.10.020* - RCW 70.127* - RCW 71.29	exploitation, or neglect of a vulnerable adult	officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider who is subject to licensure.	and to the appropriate law enforcement agency, except a mandated reporter is not required to report to a law enforcement agency, unless requested by the injured vulnerable adult or his or her legal representative or family member, an incident of physical assault between vulnerable adults that causes minor bodily injury and does not require more than basic first aid, with some exceptions. A person who is required to make a report under this chapter and who knowingly fails to make the report is guilty of a gross misdemeanor.	
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<p>§ 7.69.030. Rights of victims, survivors, and witnesses</p>	<p>VICTIM'S RIGHTS</p> <p>Provided to all victims, not specific to older or disabled adults</p>	<p>There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding:</p> <p>(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness</p>		
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		<p>program exists in the county;</p> <p>(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;</p> <p>(3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;</p> <p>(4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;</p> <p>(5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;</p>		
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		<p>(6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;</p> <p>(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;</p> <p>(8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of</p>		
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		<p>crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;</p> <p>(9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance. Victims of domestic violence, sexual assault, or stalking, as defined in RCW 49.76.020, shall be notified of their right to reasonable leave from employment under chapter</p>		
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		<p>49.76 RCW;</p> <p>(10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;</p> <p>(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to</p>		
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		<p>testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;</p> <p>(12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;</p> <p>(13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;</p>		
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		<p>(14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions; and</p> <p>(15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment.</p>		
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